

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION**

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	Case No. 19-00227-01-CR-W-SRB
)	
JAMES E. WORKMAN,)	
)	
Defendant.)	

**MEMORANDUM OF MATTERS DISCUSSED AND
ACTION TAKEN AT PRETRIAL CONFERENCE**

PENDING CHARGE: On June 26, 2019, the Grand Jury returned an eight-count Indictment charging Defendant, James E. Workman with five counts of wire fraud, one count of theft of government money, and two counts of Social Security fraud.

The following matters were discussed and action taken during the pretrial conference:

TRIAL COUNSEL:

Government: Courtney R Pratten and Leigh Farmakidis
Case Agent: Bruce McKimens, Social Security Administration
Defense: James R. Hobbs and Marilyn B. Keller
Paralegal Dru Colhour

OUTSTANDING MOTIONS: No outstanding motions at this time, although motions in limine and a Daubert motion are anticipated.

TRIAL WITNESSES:

Government: 12 with stipulations; 16 without stipulations
Defendant: 10 witnesses, including the Defendant

TRIAL EXHIBITS:

Government: approximately less than 75 exhibits
Defendant: approximately 50 exhibits (some overlap with the Government's exhibits)

DEFENSES: General denial and denial of specific intent and willfulness

POSSIBLE DISPOSITION:

(x) Definitely for trial; () Possibly for trial; () Likely a plea will be worked out

TRIAL TIME: 3 ½ to 4 days total

Government's case including jury selection: 2 ½ day(s)

Defendant: 1 day(s)

STIPULATIONS: Possible stipulations as to business records, bank records, Social Security Administration records (including financial records, bank records and tax records), and interstate wire nexus

UNUSUAL QUESTIONS OF LAW: As outlined in Defendant's trial brief, filed on May 16, 2021, there are possible issues regarding cognitive deficits negating the requisite mental intent. Defendant is also submitting a jury instruction, pursuant to *United States v. Christo*, 614 F.2d 486 (5th Cir.1980), that civil statutory and regulatory violations aren't to be confused with criminal action.

FILING DEADLINES:

Witness and Exhibit List

Government: **Updated list(s) due on or before May 25, 2021.**

Proposed Witness List filed May 17, 2021

Proposed Exhibit List filed May 17, 2021

Defendant: **Updated list(s) due on or before May 25, 2021.**

Proposed Witness List filed May 17, 2021

Counsel are requested to list witnesses in alphabetical order on their witness list.

Exhibit Index, if required by the District Court, Voir Dire, Jury Instructions: Due on or before June 2, 2021.

Please Note: Jury instructions must comply with Local Rule 51.1

Motion in Limine: One or more parties anticipate filing motions in limine. **Due on or before June 2, 2021.**

The Government anticipates filing a Daubert motion.

Please note On May 16, 2021, Defendant Workman filed a Trial Brief regarding evidence of cognitive deficits negating the requisite mental intent.

TRIAL SETTING: Criminal jury trial docket set for June 7, 2021.

Please note: The parties request the first week.

IT IS SO ORDERED

/s/ Lajuana M. Counts

LAJUANA M. COUNTS

UNITED STATES MAGISTRATE JUDGE